

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CHRISTOPHER FERNANDEZ,

Plaintiff,

v.

No. 24-cv-0702-KG-SCY

FNU LUCERO, *et al*,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff Christopher Fernandez's failure to cure deficiencies in his prisoner civil rights action. Plaintiff is state inmate and is proceeding *pro se*. He did not prepay the \$405 civil filing fee when he initiated this case. On July 10, 2024, the Clerk's Office mailed Plaintiff a blank motion to proceed *in forma pauperis*. He did not respond. By an Order entered January 24, 2025, the Court directed Plaintiff to return the completed motion or prepay the filing fee within thirty days. (Doc. 2). The Order warns that the failure to timely comply may result in dismissal of this case without further notice.

The deadline to file a complaint and address the civil filing fee was February 24, 2025. Plaintiff did not comply, show cause for such failure, or otherwise respond to the Order. Hence, the Court will dismiss the Letter-Pleading (Doc. 1) without prejudice under Fed. R. Civ. P. 41(b) for "failure to prosecute [and] ... comply with court orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS ORDERED:

1. Plaintiff Christopher Fernandez's Letter-Pleading Raising Constitutional Violations

(Doc. 1) is dismissed without prejudice.

2. The Court will enter a separate judgment closing the civil case.

/s/ KENNETH J. GONZALES<sup>1</sup>  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Please note that this document has been electronically filed. To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the court's PACER public access system.